

U.S. Patent Application Serial No. 10/669,228
Reply to Office Action Mailed February 18, 2005

Remarks:

Applicant has read and considered the Office Action dated February 18, 2005 and the references cited therein. Claim 1 has now been amended and claims 2 and 3 have been cancelled. Claim 1 remains pending.

In the Action, claims 1-2 were objected to because the term "transversal" should be removed from claims 1 and 2 as it is redundant. Claim 1 has been amended to remove the term "transversal" from the claim. Applicant asserts that the objection to the claims is overcome.

Claims 1-3 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with written description requirements. The Action states that there is no support for the limitation setting forth that the profile is "formed of a continuous *co-planar* mass of flexible rubber material." Applicant has removed the term "co-planar" from claim 1 as suggested in the Office Action. Applicant asserts that the rejection under 35 U.S.C. § 112 is traversed.

Claims 1-2 were rejected under 35 U.S.C. § 102(e) as being anticipated by Moss. Claim 1 has now been amended to recite the structure of claim 3 and the intervening claim 2. As claim 3 was indicated as being allowable, Applicant asserts that claim 1 patentably distinguishes over the Moss reference.

Claim 3 was indicated as being allowable if rewritten to overcome the rejections under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for the indication of allowable subject matter. As stated above, claim 1 has been amended to recite the structure of claim 3 including all of the limitations of the base claim and any intervening claims and has also been amended to overcome the rejections under 35 U.S.C. § 112. Applicant asserts that claim 1 is in condition for allowance.

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A speedy and favorable action on the merits is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.

Respectfully submitted,

MERCHANT & GOULD P.C.

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By: 

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GAS/km